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Board Certified In Labor & Employment Law  
By The Texas Board Of Legal Specialization

May 8, 2025

**Via CM/ECF**

Hon. Christina A. Bryan  
United States Magistrate Judge  
United States Courthouse  
515 Rusk Street, Room 7007  
Houston, Texas 77002

Re: Civil Action No.: 4:22-cv-04085; *Weathers v. Houston Methodist Hospital*; In the United States District for the Southern District of Texas, Houston Division

Dear Judge Bryan:

I represent Defendant, Houston Methodist Hospital (“Houston Methodist”), in this matter. I write this letter pursuant to your Court Procedure IV requiring the parties to bring discovery-related disputes to the Court’s attention prior to filing any motions. As explained herein, Plaintiff, Caitlin Weathers (“Plaintiff”), contends that Houston Methodist failed to respond to requests for admissions she served in this case on September 22, 2023. Although Houston Methodist’s position is that it is not in default in answering Plaintiff’s requests for admissions, out of an abundance of caution Houston Methodist would like to petition the Court to withdraw any deemed admissions to the extent the Court considers that any exist.

Houston Methodist filed its Motion for Summary Judgment seeking dismissal of Plaintiff’s claims on May 22, 2023.<sup>1</sup> On September 22, 2023—while Houston Methodist’s Motion for Summary Judgment was still pending—Plaintiff served her requests for admissions to Houston Methodist.<sup>2</sup> On October 10, 2023, this Court granted Houston Methodist’s Motion for Summary Judgment, dismissing Plaintiff’s claims against Houston Methodist with prejudice.<sup>3</sup> Thus, at the time the Court granted summary judgment, Plaintiff’s requests for admissions were still outstanding and responses were not yet due.

After reinstatement of this case post-appeal and remand, on April 16, 2025 Plaintiff again served Houston Methodist with the same requests for admissions she previously served.<sup>4</sup> Two days

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<sup>1</sup> See Dkt. No. 31.

<sup>2</sup> See Dkt. No. 83, p. 3.

<sup>3</sup> See Dkt. No. 50.

<sup>4</sup> See Exhibit 1.

later, on April 18, 2025, Plaintiff filed a motion requesting, among other things, that the requests for admissions she served on September 22, 2023 be deemed admitted.<sup>5</sup> On May 7, 2025, Houston Methodist served its objections and responses to Plaintiff's April 16, 2025 requests for admissions—nine days before they were due. It is Houston Methodist's position that this Court's grant of summary judgment in this case effectively mooted Plaintiff's September 22, 2023 requests for admissions, and that Plaintiff's service of requests for admissions on April 16, 2025 initiated a new deadline to respond to those requests. Nonetheless, out of an abundance of caution, Houston Methodist now seeks to withdraw any deemed admissions to the extent Plaintiff's September 22, 2023 requests for admissions have, in fact, been deemed admitted.

On May 5, 2025, counsel for Houston Methodist, Michael K. Burke, attempted to schedule a telephone call with Plaintiff, pursuant to this Court's Procedure IV, in order confer with Plaintiff about this request for a discovery conference with the Court.<sup>6</sup> Mr. Burke explained Houston Methodist's position that the intervening grant of summary judgment relieved Houston Methodist of the deadline to respond to Plaintiff's September 22, 2023 requests for admissions, and that Plaintiff's April 16, 2025 service of requests for admissions started a new deadline to respond to the same.<sup>7</sup> Mr. Burke requested Plaintiff's availability to discuss the foregoing discovery issue and further explained that this Court's procedures required the parties to confer via telephone or video conference in an attempt to come to a resolution without the need for requesting a discovery conference with the Court.<sup>8</sup> In response, Plaintiff refused to provide her availability for further discussion and simply reiterated "I object."<sup>9</sup>

Because the parties were unable to reach an agreement regarding Houston Methodist's proposed motion to withdraw deemed admissions, Houston Methodist now seeks a discovery conference with the Court.

Sincerely,

**Scott | Patton**<sub>PC</sub>



Daniel Patton

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<sup>5</sup> See Dkt. No. 83.

<sup>6</sup> See Email Correspondence, dated May 5, 2025, attached as Exhibit 2.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

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**Subject:** Fwd: Weathers v. Houston Methodist Hospital et al.  
**Date:** Wednesday, April 16, 2025 at 10:12:14 PM Central Daylight Time  
**From:** Caitlin Weathers  
**To:** Mike Burke, Dan Patton, Kimberly Falcone, Melissa Morgan  
**Attachments:** Caitlin Weathers 1.pdf

Request for admissions

CW

----- Forwarded message -----

From: **Caitlin Weathers** <[j.weathersca@gmail.com](mailto:j.weathersca@gmail.com)>  
Date: Fri, Sep 22, 2023 at 12:23 PM  
Subject: Re: Weathers v. Houston Methodist Hospital et al.  
To: Patrick Palmer <[Palmer@scottpattonlaw.com](mailto:Palmer@scottpattonlaw.com)>

Please see attached for Admissions Request

On Fri, Sep 22, 2023 at 11:27 AM Patrick Palmer <[Palmer@scottpattonlaw.com](mailto:Palmer@scottpattonlaw.com)> wrote:

Caitlin,

I would like to schedule a call with you regarding your responses to Houston Methodist's discovery requests that we sent on June 30, 2023. Your responses to Houston Methodist's interrogatories are deficient in several material ways that require remediation. Additionally, we have not received responses from you with respect to Houston Methodist's Requests for Production nor its Requests for Admission which we served concomitantly with Houston Methodist's First Set of Interrogatories. Let me know when you are available to discuss these matters.

Additionally, I want to take your deposition in the next three weeks. Please provide a date in October that you are available for deposition.

Patrick Palmer  
Scott [Patton](#) PC  
5301 Katy Freeway, Suite 201  
Houston, Texas 77007

**EXHIBIT 1**

Direct: (281) 377-3286  
Fax: (281) 377-3267  
Main: (281) 377-3311  
Cell: (210) 464-4464  
Email: [palmer@scottpattonlaw.com](mailto:palmer@scottpattonlaw.com)

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**From:** Caitlin Weathers <[j.weathersca@gmail.com](mailto:j.weathersca@gmail.com)>  
**Date:** Friday, September 22, 2023 at 6:18 AM  
**To:** Patrick Palmer <[Palmer@scottpattonlaw.com](mailto:Palmer@scottpattonlaw.com)>  
**Subject:** Re: Weathers v. Houston Methodist Hospital et al.

Mr. Patrick,

What would you like to ask?

CW

On Thu, Sep 21, 2023 at 8:55 AM Patrick Palmer <[Palmer@scottpattonlaw.com](mailto:Palmer@scottpattonlaw.com)> wrote:

Ms. Weathers,

We are in receipt of your seventeen (17) interrogatories to Defendants in this matter.



Additionally, let's schedule a call to discuss your responses to our discovery that Houston Methodist served on June 30, 2023. Let me know if you have availability either today or tomorrow to talk.

Hoping you are well,

Patrick Palmer  
Scott [Patton](#) PC  
[5301 Katy Freeway, Suite 201](#)  
[Houston, Texas 77007](#)  
Direct: (281) 377-3286  
Fax: (281) 377-3267  
Main: (281) 377-3311  
Cell: (210) 464-4464  
Email: [palmer@scottpattonlaw.com](mailto:palmer@scottpattonlaw.com)

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Caitlin Weathers  
Email: [j.weathersca@gmail.com](mailto:j.weathersca@gmail.com)  
Phone: (832) 314-6357

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**Subject:** Re: Weathers v. Houston Methodist  
**Date:** Monday, May 5, 2025 at 11:55:54 PM Central Daylight Time  
**From:** Caitlin Weathers  
**To:** Mike Burke  
**Attachments:** image001.jpg

I haven't refused to comply with her procedures.

I object

CWEATHERS

On Mon, May 5, 2025 at 11:23 PM Mike Burke <[mburke@scottpattonlaw.com](mailto:mburke@scottpattonlaw.com)> wrote:

Ms. Weathers,

Either advise when you are available to discuss or I will have to inform the judge that you refused to comply with her simple procedure.

Mike Burke

Michael K. Burke

Scott [Patton](#) PC

[5301 Katy Freeway, Suite 201](#)

[Houston, Texas 77007](#)

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Fax: [\(281\) 377-3267](tel:(281)377-3267)

Cell: [\(713\) 553-7930](tel:(713)553-7930)

Email: [mburke@scottpattonlaw.com](mailto:mburke@scottpattonlaw.com)

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**From:** Caitlin Weathers <[j.weathersca@gmail.com](mailto:j.weathersca@gmail.com)>

**Sent:** Monday, May 5, 2025 11:20:19 PM

**EXHIBIT 2**

**To:** Mike Burke <[mburke@scottpattonlaw.com](mailto:mburke@scottpattonlaw.com)>

**Subject:** Re: Weathers v. Houston Methodist

We already talked about the requests at the scheduling and discovery conference. Refer to the transcript if you have questions

CWEATHERS

On Mon, May 5, 2025 at 11:05 PM Mike Burke <[mburke@scottpattonlaw.com](mailto:mburke@scottpattonlaw.com)> wrote:

Ms. Weathers, this is precisely what the Judge requires us to discuss directly rather than through email.

Michael K. Burke

Scott Patton PC

[5301 Katy Freeway, Suite 201](#)

[Houston, Texas 77007](#)

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Email: [mburke@scottpattonlaw.com](mailto:mburke@scottpattonlaw.com)

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**From:** Caitlin Weathers <[j.weathersca@gmail.com](mailto:j.weathersca@gmail.com)>

**Sent:** Monday, May 5, 2025 11:01:00 PM

**To:** Mike Burke <[mburke@scottpattonlaw.com](mailto:mburke@scottpattonlaw.com)>

**Subject:** Re: Weathers v. Houston Methodist

I don't understand why a motion for admissions deemed admitted requires me as a plaintiff to agree to attend a discovery conference, or a teleconference in attempt to discuss the possibility of a conference. We already agreed to discovery plans in the scheduling orders. What is it you want to ask? Extension of time??

CWEATHERS

On Mon, May 5, 2025 at 10:31 PM Mike Burke <[mburke@scottpattonlaw.com](mailto:mburke@scottpattonlaw.com)> wrote:  
Again, that doesn't satisfy the judge's requirements. Please advise when you are available to discuss this week.

Michael K. Burke  
Scott [Patton](#) PC  
[5301 Katy Freeway, Suite 201](#)  
[Houston, Texas 77007](#)

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**From:** Caitlin Weathers <[j.weathersca@gmail.com](mailto:j.weathersca@gmail.com)>  
**Sent:** Monday, May 5, 2025 10:28:58 PM

**To:** Mike Burke <[mburke@scottpattonlaw.com](mailto:mburke@scottpattonlaw.com)>  
**Subject:** Re: Weathers v. Houston Methodist

I attended the discovery and scheduling conference when the case was remanded and admissions were due.

CWEATHERS

On Mon, May 5, 2025 at 9:57 PM Mike Burke <[mburke@scottpattonlaw.com](mailto:mburke@scottpattonlaw.com)> wrote:  
Ms. Weathers,

It's not that simple. As I noted, the Court's procedures require us to discuss by phone or video conference. Please let me know your availability this week.

Mike Burke

Michael K. Burke  
Scott [Patton](#) PC

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**From:** Caitlin Weathers <[j.weathersca@gmail.com](mailto:j.weathersca@gmail.com)>

**Sent:** Monday, May 5, 2025 9:55:00 PM

**To:** Mike Burke <[mburke@scottpattonlaw.com](mailto:mburke@scottpattonlaw.com)>

**Subject:** Re: Weathers v. Houston Methodist

Opposed.

CW

On Mon, May 5, 2025 at 2:04 PM Mike Burke <[mburke@scottpattonlaw.com](mailto:mburke@scottpattonlaw.com)> wrote:

Ms. Weathers,

Pursuant to Magistrate Judge Bryan's procedures, I write regarding the possible need for a discovery conference with the Court.

In one of your recent court filings, specifically Dkt. No. 83, you seek enforcement of allegedly deemed admissions. The admissions you refer to were served, but responses were not yet due, at the time the Court granted summary judgment.

After the case was reinstated, you served requests for admissions on April 16, 2025. We are in the process of preparing responses to those requests for admissions.

It is Houston Methodist's position that the intervening grant of summary judgment relieved Houston Methodist of the deadline to respond to your initial service of requests for admissions, and that your April 16, 2025 service of requests for admissions started a new deadline to respond to those requests.

Pursuant to Judge Bryan's procedures, we are required to file a letter with the Court describing any discovery disputes without filing a formal motion. We intend to file such a letter regarding whether or not Houston Methodist's responses to requests for admissions are timely. Prior to filing such a letter, Judge Bryan's procedures require that the parties discuss the issues "**by telephone or by video conference**" in an attempt to come to a resolution between the parties without involving the Court.

Please indicate when you are available this week to speak by telephone or video conference, as the Court requires, in order to discuss this issue.

Thank you,

Mike Burke

Michael K. Burke  
Scott [Patton](#) PC  
[5301 Katy Freeway, Suite 201](#)  
[Houston, Texas 77007](#)

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